

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

JARED McINTYRE,

Defendant.

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PLATT, District Judge.

MEMORANDUM  
AND  
ORDER

01-CR-119 (TCP)

Gerald B. Lefcourt, Esq., attorney for the defendant, has, by a letter “motion,” moved to extend the defendant’s release on bail since December 2005 to January 15, 2009, “to serve the remainder of his sentence.”

The defendant was involved in “the Middle Island arson, the Miller Place arson, the Mt. Sinai arson, the Center Moriches duck farm action and the Miller Place McDonald’s attempted arson” which involved substantial risk or serious bodily injury to the fire fighters who were called to respond and resulted in liability for restitution in the approximate amount of \$368,987.18.

The statute involved a minimum sentence of five years and the Guidelines involved a minimum of 60 months. All of the offenses took place eight years ago in December 2000 and January 2001.

While defendant had in this Court's view a "questionable" cooperation letter from the Government, the Court reduced the sentence to 42 months. The defendant took one or more appeals to the Court of Appeals arguing, among other things, that he should be given credit for home detention during his appeal. He has only served approximately 29 months of his jail term.

Defendant's appeals were denied, most recently in a decision dated November 10, 2008.

Eight years have elapsed since defendant committed the very serious offenses with which he was charged. The Court of Appeals has reviewed the sentence and affirmed it. Defendant's application for further adjournment must be and the same is hereby denied. Defendant shall surrender to the U.S. Marshal on or before December 10, 2008.

SO ORDERED.

/S/  
United States District Judge

Dated: Central Islip, New York  
December 1, 2008